

SENATE BILL No. 11

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-2-34.6.

Synopsis: Estimated utility bills. Establishes requirements for estimated bills issued by a utility to an Indiana customer for retail: (1) electric; (2) gas; (3) water; or (4) wastewater; utility service.

Effective: July 1, 2015.

Steele

January 6, 2015, read first time and referred to Committee on Utilities.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 11

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-1-2-34.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2015]: **Sec. 34.6. (a) This section applies to a bill that:**
4 **(1) is issued by a utility to an Indiana customer after June 30,**
5 **2015; and**
6 **(2) covers a billing period that begins after June 30, 2015.**
7 **(b) As used in this section, "billing period" refers to the monthly**
8 **or other regular billing period covered by a bill to which this**
9 **section applies.**
10 **(c) As used in this section, "meter" refers to:**
11 **(1) a meter; or**
12 **(2) another appliance or device;**
13 **used for measuring the retail utility service provided by a utility**
14 **and consumed by a customer on the customer's premises.**
15 **(d) As used in this section, "retail utility service" means:**
16 **(1) electric (other than electric service furnished by a general**



district corporation to a local district corporation within the meaning of IC 8-1-13-23);

(2) gas;

(3) water; or

(4) wastewater;

utility service furnished by a utility to a customer for ultimate consumption. The term does not include wholesale utility service furnished by a utility for resale to another utility.

(e) As used in this section, "utility" means a:

(1) public utility (as defined in IC 8-1-2-1(a));

(2) municipally owned utility (as defined in IC 8-1-2-1(h));

(3) not-for-profit utility; or

(4) cooperatively owned corporation;

that provides retail utility service to an Indiana customer and that is subject to the jurisdiction of the commission with respect to the retail utility service provided. The term includes a department of public utilities created by IC 8-1-11.1.

(f) For any billing period covered by a bill to which this section applies, a utility may estimate a customer's consumption of retail utility service, at the premises to which the bill pertains, only for good cause, including any of the following:

(1) The request of the customer.

(2) Inclement weather.

(3) Labor or union disputes.

(4) Inaccessibility of the customer's meter, if the utility has made a reasonable attempt to read the meter.

(5) Other circumstances beyond the control of the utility or the utility's employees or agents.

(g) If the amount of retail utility service consumed by a customer is estimated on a bill to which this section applies, the following apply:

(1) The bill must include a clear and conspicuous:

(A) coding; or

(B) indication;

identifying the bill as an estimated bill.

(2) If the customer received, in the immediately preceding calendar year, retail utility service from the utility at the same premises during the corresponding billing period covered by the bill, the estimated amount of retail utility service consumed shall be calculated based on the amount of retail utility service actually consumed by the customer at the premises during the corresponding billing period in the



1 immediately preceding calendar year, as determined based on
2 the units registered on the customer's meter in the
3 corresponding billing period in the immediately preceding
4 calendar year, regardless of when the utility, or the utility's
5 employee or agent, performed the actual reading of the meter
6 for the corresponding billing period in the immediately
7 preceding calendar year.

8 (3) If the customer did not receive, in the immediately
9 preceding calendar year, retail utility service from the utility
10 at the same premises during the corresponding billing period
11 covered by the bill, the estimated amount of retail utility
12 service consumed shall be calculated based on the following:

13 (A) The average amount of retail utility service actually
14 consumed by the customer at the premises in the three (3)
15 most recent billing periods, during the twelve (12) billing
16 periods immediately preceding the billing period covered
17 by the bill, for which the customer's actual consumption of
18 retail utility service provided by the utility at the premises
19 was measured, as determined based on the units registered
20 on the customer's meter, regardless of when the utility, or
21 the utility's employee or agent, performed the actual
22 reading of the meter.

23 (B) If, during the twelve (12) billing periods immediately
24 preceding the billing period covered by the bill, the
25 customer's actual consumption of retail utility service at
26 the premises has been measured by the utility for fewer
27 than three (3) billing periods, but for at least one (1) billing
28 period, the amount of retail utility service actually
29 consumed by the customer at the premises in the most
30 recent billing period, during the twelve (12) billing periods
31 immediately preceding the billing period covered by the
32 bill, for which the customer's actual consumption of retail
33 utility service at the premises was measured, as determined
34 based on the units registered on the customer's meter,
35 regardless of when the utility, or the utility's employee or
36 agent, performed the actual reading of the meter.

37 (C) If the customer's actual consumption of retail utility
38 service at the premises has not been measured by the
39 utility during any of the twelve (12) billing periods
40 immediately preceding the billing period covered by the
41 bill, an amount not to exceed one-twelfth (1/12) of the
42 estimated annual amount of retail utility service to be



- 1 rendered to the customer at the premises.
- 2 (h) This section does not affect:
- 3 (1) any policy or practice that:
- 4 (A) a utility:
- 5 (i) voluntarily offers; or
- 6 (ii) is required to offer under any law, or under any
- 7 order or rule of the commission; and
- 8 (B) allows a customer to contract for a plan under which
- 9 the utility averages the estimated bill for retail utility
- 10 service over an extended period and balances the
- 11 customer's account at the end of that period; or
- 12 (2) a bill issued to a customer under a plan described in
- 13 subdivision (1);
- 14 subject to any law, or to any order or rule of the commission,
- 15 applicable to a plan described in subdivision (1).
- 16 (i) This section does not affect a utility's duty, under any law or
- 17 under any order or rule of the commission, to:
- 18 (1) perform a reconciliation with respect to any estimated bill
- 19 to which this section applies; and
- 20 (2) implement a refund, a credit, or a surcharge, as
- 21 appropriate, in an amount that represents the difference
- 22 between the estimated amount of retail utility service billed to
- 23 a customer and the amount of retail utility service actually
- 24 consumed by the customer.
- 25 (j) The commission may adopt rules under IC 4-22-2 to
- 26 implement this section.

